

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO.: 2018-018704-CA-01
DIVISION: CA13

DEUTSCHE BANK NATIONAL TRUST COMPANY,
as Trustee for IndyMac INDX Mortgage Loan Trust 2007-AR5,
Plaintiff,
v.
MARIO MIRABAL,
Defendants.

DEFENDANT'S RENEWED MOTION FOR RELIEF FROM JUDGMENT
UNDER FLA. R. CIV. P. 1.540(d) AND FED. R. CIV. P. 60(d)(3) DUE TO
FRAUD UPON THE COURT AND TO PRESERVE FEDERAL REVIEW
RIGHTS

COMES NOW Defendant, Mario Mirabal, pro se, and respectfully submits
this renewed motion for relief from judgment pursuant to Florida Rule of
Civil Procedure 1.540(d) and persuasive authority from Federal Rule of
Civil Procedure 60(d)(3), asserting that the final order entered on October
14, 2025, by this Court is void due to fraud upon the court and ongoing
jurisdictional conflicts that merit preservation of appellate and federal rights.

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This motion is submitted solely to preserve the record and jurisdictional posture, and not as a waiver of federal supremacy, due process objections, or pending protective proceedings before the United States District Court for the Southern District of New York (see *Mirabal v. Deutsche Bank, et al.*, Case No. 1:25-cv-07423-LJL-OTW).

I. PROCEDURAL BACKGROUND

On March 5, 2020, Judge Bokor dismissed the foreclosure action with prejudice, confirming that Plaintiff's claims had no further standing and that no additional parties or claims could be introduced.

Following Plaintiff's unauthorized attempt to resurrect the case via non-party title transfer and counsel substitutions, Defendant filed a motion under Rule 1.540(d), supported by sworn forensic exhibits showing fraud upon the court, violations of FDIC receivership protocols, and illicit title assignments.

On October 14, 2025, without a hearing requested by the Court and following a special set hearing coordinated by Plaintiff's counsel while that counsel was named in federal actions, the Court entered an Omnibus Order denying all pending motions with prejudice and closing the case file.

That same day, Defendant filed multiple federal notices in SDNY describing ongoing obstruction, whistleblower retaliation, and systemic coordination between state court and federally named actors.

II. BASIS FOR RELIEF UNDER RULE 1.540(d) AND 60(d)(3)

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This motion satisfies the threshold for fraud upon the court under Florida and federal law:

The motion is not time-barred and seeks to vacate a void order entered in the presence of fraud, including the misrepresentation of party standing, abuse of the procedural calendar, and mischaracterization of prior orders.

Opposing counsel coordinated a hearing date with the JA without mutual agreement, obtained a hearing on a federal holiday-related reset, and caused a final adverse order while the federal judiciary was reviewing related parties and facts.

At least one plaintiff (KP Investments) was never a party of record in the original adjudication. Its use of post-dismissal conveyances to mislead the Court constitutes fraud upon the court.

Defendants are now under federal protective review via active service in three related SDNY civil rights and RICO actions, all involving this case's core facts, parties, and filings. The federal record should be allowed to complete before further state actions are finalized or enforced.

III. PRESERVATION OF RIGHTS UNDER FEDERAL CONFLICT AND CONSTITUTIONAL STANDARDS

Defendant files this motion not to reargue factual issues already improperly rejected, but to preserve his right to a fair review in light of:

Ongoing service of process by the U.S. Marshals in Case No. 1:25-cv-07423-LJL-OTW (SDNY), where KP Investments, Mr. Cunill, and Deutsche Bank are named defendants;

The timing and substance of the October 14, 2025 order, entered after express notices of federal entanglement were docketed in this case;

Evidence that the October 14 hearing was obtained through ex parte pressure by federally implicated counsel and set by Court staff before Judge Enriquez issued any order approving such setting.

IV. PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that this Court:

Vacate the Omnibus Order entered October 14, 2025, on grounds of fraud upon the court;

Reinstate the finality of Judge Bokor's March 5, 2020 dismissal with prejudice;

Strike or nullify all filings made by KP Investments or its counsel for lack of standing as non-parties to the adjudicated claim;

Alternatively, abstain from further action pending the resolution of federal

proceedings, and enter an order preserving the state record for judicial coordination or certification to the federal court.

Respectfully submitted,

Mario Mirabal

Pro Se Defendant

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October 14, 2025